

JUL 07 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROSARIO VASQUEZ-CISNEROS,

Defendant - Appellant.

No. 06-50264

D.C. No. CR-05-00709-NAJ

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Napoleon A. Jones, District Judge, Presiding

Submitted June 18, 2008<sup>\*\*</sup>

Before: REINHARDT, LEAVY, and CLIFTON, Circuit Judges.

Rosario Vasquez-Cisneros appeals her 77-month sentence imposed  
following her guilty-plea conviction for attempted entry after deportation, in

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Vasquez-Cisneros contends that the district court procedurally erred at sentencing by failing to adequately state the reasons for the sentence, failing to consider all the factors contained in 18 U.S.C. § 3553(a), giving undue weight to the Sentencing Guidelines, and presuming that a sentence within the Guidelines range would be appropriate. We conclude that there was no procedural error. *See Gall v. United States*, 128 S. Ct. 586, 597 (2007); *United States v. Carty*, 520 F.3d 984, 991-93 (9th Cir. 2008) (en banc).

Vasquez-Cisneros's motion for submission of additional excerpts of record is granted. The Clerk shall file the DVDs received on November 13, 2006.

**AFFIRMED.**